

Message Text

PAGE 01 USUN N 01409 180301 Z

62

ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

GAC-01 ACDA-19 CIAE-00 DODE-00 PM-09 INR-10 L-03

NSAE-00 NASA-04 NSC-10 SCI-06 SS-15 OIC-04 /163 W

----- 096245

R 180208 Z APR 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 7547

INFO AMEMBASSY MOSCOW

AMEMBASSY NEW DELHI

C O N F I D E N T I A L USUN 1409

E. O. 11652: GDS

TAGS: TSPA, PFOR, UN, UR, IN

SUBJ: OUTER SPACE LEGAL: MOON TREATY RESOURCE ISSUE

REF: STATE 71280 NOTAL

1. US TABLED PROPOSED MODIFICATION OF MOON TREATY ARTICLE X ON NATURAL RESOURCES PER REFTEL, WHICH WE GREATLY APPRECIATED, IN APRIL 17 PM SESSION OF WORKING GROUP. PROPOSAL RE ARTICLE X COUPLED WITH ADDITION OF " NATURAL RESOURCES" TO MISSION REPORTING REQUIREMENTS OF ARTICLE IV(3) (STATE 70078 NOTAL). IN PRESENTING PROPOSAL, USREP NOTED WE WERE PUTTING IT FORWARD IN LATE- STAGE EFFORT TO MOVE AHEAD ON TREATY WHICH, WHILE OF COURSE NOT US INITIATIVE, WE BELIEVE NOW CONTAINS USEFUL ELEMENTS WORTH NEGOTIATING TO CONSENSUS AGREEMENT. USREP STATED THAT THIS PROPOSAL REFLECTED MAXIMUM LEEWAY IN US POSITION ON NATURAL RESOURCES AND DEMONSTRATED " VERY CONSIDERABLE LENGTH" TO WHICH WE HAD GONE IN TRYING TO REACH MUTUALLY ACCEPTABLE PROVISIONS ON THIS ISSUE. HE ADDED THAT IN US VIEW REVISED ARTICLE EMBRACED MUCH THAT WAS PREVIOUSLY NOT COVERED IN NATURAL RESOURCES AREA AND WAS SIGNIFICANT ADVANCE WHICH SHOULD COMMEND ITSELF
CONFIDENTIAL

PAGE 02 USUN N 01409 180301 Z

TO OTHERS.

2. ALTHOUGH SEVERAL DELS, NOTABLY UK AND JAPAN, PRAISED US PROPOSAL AS PROMISING SOLUTION TO NATURAL

RESOURCES PROBLEM, INDIA REJECTED IT ON BASIS OF CURRENT INSTRUCTIONS WHICH ACCORDING TO INDIAN REP DID NOT PERMIT HIM TO GO BEYOND BASIC CAPOTORTI COMPROMISE TEXT (WITH NON- APPROPRIATION PROVISION APPLICABLE TO " NATURAL RESOURCES" UNMODIFIED AND NO " WITHOUT PREJUDICE" CLAUSE). ALTHOUGH HE SAID HE WOULD OF COURSE REPORT US PROPOSAL TO DELHI, INDIAN REP INDICATED IT WOULD BE FRUITLESS TO HOPE FOR CHANGE OF INSTRUCTIONS IN TIME FOR AGREEMENT ON ARTICLE X AT CURRENT LSC SESSION. HE SUGGESTED THAT GOVTS MOST CONCERNED WOULD HAVE OPPORTUNITY FOR CONSULTATION IN INTERVAL BEFORE LATE JUNE CONVENING OF OUTER SPACE COMMITTEE, WHERE FURTHER WORK ON TEXT MIGHT BE POSSIBLE.

3. SEVERAL OTHER DELS INCLUDING BRAZIL AND EGYPT ALSO SAID THEY WOULD NEED NEW INSTRUCTIONS BEFORE TAKING DEFINITIVE POSITION ON US PROPOSAL. BRAZIL ADDED PRELIMINARY COMMENT THAT US TEXT APPEARED TO REPRESENT SIGNIFICANT " WATERING DOWN" OF CAPOTORTI TEXT; IN PARTICULAR, ACCORDING TO BRAZILIAN REP, US MODIFICATION MADE IT APPEAR THAT RESOURCES ONCE REMOVED FROM SITE COULD BECOME PROPERTY OF STATE.

4. USSR REXPRESSED APPRECIATION FOR " GREAT EFFORT" INVOLVED IN PREPARATION OF US TEXT BUT AGREED WITH BRAZIL THAT EXCHANGES OF VIEWS HAD SHOWN THAT THAT TEXT COULD NOT BECOME BASIS FOR IMMEDIATE AGREEMENT. DECLARING NEVERTHE- LESS THAT AGREEMENT ON NATURAL RESOURCES ARTICLE HAD BECOME KEY TO AGREEMENT ON ENTIRE TREATY , SOVREP WARNED THAT NON- COMPLETION OF WORK ON TOM AT THIS SESSION COULD CAUSE CHANGE IN USSR' S " WHOLE SENSE OF PRIORITIES" REGARDING ITEMS ON LSC AGENDA.

5. EXPRESSING FEAR THAT NON- AGREEMENT ON ARTICLE X MADE AGREEMENT IMPOSSIBLE ON OTHER MAJOR ISSUES OF TREATY SCOPE AND ADVANCE NOTIFICATION OF MISSIONS, CHAIR SUGGESTED THAT ONLY REMAINING OUTSIDE POSSIBILITY OF ACHIEVING COMPLETED TEXT AT CURRENT LSC SESSION WAS TO AGREE ON ONE ARTICLE X TEXT TO BE SUBMITTED TO GOVTS. HOWEVER, IT QUICKLY APPARENT THAT SUCH AGREEMENT WAS NOT FORTH- CONFIDENTIAL

PAGE 03 USUN N 01409 180301 Z

COMING, AND CHAIR AND SUBCOMMITTEE TACITLY ACCEPTED IMPOSSIBILITY OF CONCLUSION OF WORK ON TREATY IN 1973 LSC.

6. USDEL TABLED PROPOSAL DESPITE INDIAN REP' S INDICATION IN PRIVATE CONVERSATION BEFORE LUNCH THAT HE WOULD REACT AS HE DID IN WORKING GROUP. INDIAN REP REITERATED EARLIER LINE RE " STRONG INSTRUCTIONS", ADDING THAT USSR UN PERMREP HAD WEIGHED IN WITH INDIAN PERMREP TO NO AVAIL, SINCE LATTER FELT JUST AS TIGHTLY BOUND BY INSTRUCTIONS. INDIAN REP SUGGESTED THAT MATTER BE TAKEN UP " AT SOMEWHAT HIGHER

LEVEC" IN DELHI. USDELOFF REPLIED ON PERSONAL BASIS THAT THIS COULD PUT US INTO MORE ASSERTIVE LOBBYING ROLE VIS- A- VIS TREATY THAN SEEMED APPROPRIATE. CONCERNING TREATY AS WHOLE, INDIAN REP EXPRESSED SYMPATHY FOR US VIEW ON SCOPE FORMULATION, RECALLING THAT INDIAN HAD BEEN FOR EXPANDED SCOPE ALL ALONG, AND ADDING HE COULD NOT UNDERSTAND WHY USSR WAS AGAINST STATING APPLICABILITY TO OTHER CELESTIAL BODIES THROUGHOUT TREATY TEXT IF IT AGREED TO SUBSTANCE.

7. WHEN SOVDELOFF WAS INFORMED OF INDIAN REJECTION OF US ARTICLE X IN ABOVE CONVERSATION, HE SUGGESTED USDEL SEEK WASHINGTON AUTHORIZATION TO DROP " WITHOUT PREJUDICE " CLAUSE WHILE RETAINING " IN PLACE" ADDITION TO NON- APPROPRIATION PROVISION. USREP QUICKLY AND VIGOROUSLY REJECTED THIS SUGGESTION. SOVDELOFF THEN REASSERTED ALLEGED LINKAGE IN USSR VIEW BETWEEN COMPLETION OF WORK ON MOON TREATY AND ON REGISTRATION. WE OF COURSE DENIED THAT LINKAGE SHOULD BE MADE.

8. USDELOFF ALSO BRIEFLY DISCUSSED OUR ARTICLE X PROPOSAL WITH BRAZILIAN DELOFF BEFORE WORKING GROUP MEETING. ALTHOUGH BRAZILIAN DELOFF HAD NON- COMMITTAL INITIAL REACTION AND SAID HE WOULD DISCUSS TEXT WITH INDIAN, AS NOTED PARA 3 ABOVE HIS PUBLIC POSITION WAS DISTINCTLY MORE NEGATIVE.
PHILLIPS

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 02 APR 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 18 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: thigpegh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN01409
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: USUN NEWYORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730459/abqcdzca.tel
Line Count: 137
Locator: TEXT ON-LINE
Office: n/a
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 71280 NOTAL
Review Action: RELEASED, APPROVED
Review Authority: thigpegh
Review Comment: n/a
Review Content Flags:
Review Date: 26 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26-Sep-2001 by smithrj>; APPROVED <09-Nov-2001 by thigpegh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE LEGAL: MOON TREATY RESOURCE ISSUE
TAGS: TSPA, PFOR, UN, UR, IN
To: STATE INFO MOSCOW
NEW DELHI
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005